



Environmental Planning Commission

***Agenda Number: 3
Project Number: 1007880
Case Number: 09EPC-40058
November 19, 2009***

Staff Report

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| <i>Agent</i> | ARCH+PLAN Land Use Consultants LLC |
| <i>Applicant</i> | Manzano Meadows LLC |
| <i>Request(s)</i> | Zone Map Amendment |
| <i>Legal Description</i> | Tracts 1-A and 2-A, Block 4, Brentwood Hills Subdivision |
| <i>Location</i> | Menaul Blvd.NE between Marie Park Drive and Tramway Blvd. |
| <i>Size</i> | Approximately 0.42 acres |
| <i>Existing Zoning</i> | O-1 (Lot 1-A), P-R (Lot 2-A) |
| <i>Proposed Zoning</i> | expand O-1 / reduce P-R |

Staff Recommendation

APPROVAL of 09EPC-40058, based on the Findings beginning on Page 11, and subject to the Condition of Approval on Page 14.

Staff Planner

Carol Toffaleti, Planner

Summary of Analysis

The request is to shift the boundary between the existing O-1 and P-R zones on Tracts 1-A and 2-A, Block 4, Brentwood Hills Subdivision, a site of approximately 0.42 acres, located on the southwest corner of Menaul Blvd. and Tramway Blvd. NE. The 20 ft shift would enable the applicant to build an addition onto the existing structure, which would otherwise fall into the P-R zone in violation of its regulations.

The site is in the Established Urban Area of the Comprehensive Plan and adjacent to an Enhanced Transit Corridor and an Express Corridor.

The zone change is consistent with applicable goals and policies of the Comprehensive Plan and has been adequately justified by the applicant per R-270-1980.

Property-owners, and the affected Neighborhood Associations and Coalition were notified. The Onate NA supports the request and there is no known opposition.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 10/05/2009 to 10/21/2009.
Agency comments used in the preparation of this report begin on Page 16.

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

| | <i>Zoning</i> | <i>Comprehensive Plan Area; Applicable Rank II & III Plans</i> | <i>Land Use</i> |
|---------------------|----------------------------------|---|---|
| <i>Site</i> | O-1, P-R | Established Urban Area | office, parking |
| <i>North</i> | (Menaul) C-1 | same | gas station and convenience store |
| <i>South</i> | (Towner) R-1 | same | single family residential |
| <i>East</i> | (Tramway Blvd.) R-1 | same | single family residential |
| <i>West</i> | O-1 (on Menaul), R-1 (on Towner) | same | wireless telecommunications facility (on Menaul), single family residential (on Towner) |

Background

The request is a zone map amendment for Tracts 1-A and 2-A, Block 4, Brentwood Hills Subdivision, a site of approximately 0.42 acres, located on the southwest corner of Menaul Blvd. and Tramway Blvd. NE. Lot 1-A is zoned O-1 Office and faces Menaul Blvd. Tract 2-A is zoned P-R Parking Reserve and is south of, and contiguous to, Tract 1-A. The applicant proposes to shift the boundary between the two zones 20 feet south of its current location, to allow an addition to the existing building on Tract 1-A. The addition would otherwise extend into the P-R zone, in violation of its regulations.

The applicant is relocating from another site in the Northeast Heights to allow for expansion of their business, which is supplying companies with equipment for controlling their energy use and improving electrical safety. Sales are predominantly over the phone and internet, and the purchases are shipped directly from the manufacturers to the clients. A conceptual site plan accompanies the request and is for informational purposes only.

The applicant has also applied to the Zoning Hearing Examiner (ZHE) for a conditional use permit to allow a garage on Tract 2-A (#1008024, 09ZHE-80353). The request is scheduled for the November 17th ZHE hearing, i.e. two days before the EPC hearing.

The site is in the Established Urban Area of the Comprehensive Plan. Menaul Blvd. is designated as an Enhanced Transit Corridor, and Tramway Blvd. as an Express Corridor.

History

The site originally consisted of three lots zoned R-1. They were purchased by the City as part of the Tramway Blvd. construction project and combined into a single tract. Tramway was widened in 1984 and built as a limited access parkway. In 1984, the remainder of the tract was sold and replatted into Tracts 1-A and 1-B, with 1-A facing Menaul and 1-B facing the cul-de-

sac on Towner Ave (SP-84-481). The new owner originally intended to build a house on Tract 2-A, but built it on Tract 1-A instead, for unknown reasons.

In 1985, Lots 1-7, located on Menaul Blvd. and west of the subject site, were rezoned from R-1 to O-1 based on changed neighborhood conditions, created in part by traffic on Menaul and Tramway (Z-84-143, 3/22/1985).

In 1990, Tract 1-A was rezoned from R-1 to O-1, which made it consistent with the strip of O-1 to the west (Z-90-108, 12/20/1990). The existing residence was also being used as an office at that time. In 1993, a zone change from R-1 to O-1 was requested for Tract 1-B, which had remained vacant. The requested zone was amended to P-R and approved by the EPC (Z-93-30, 4/15/1993). A site plan covering both tracts was approved administratively in June 1993 to fulfill a condition of the EPC approval. The southern portion included parking, a retention pond, and a solid fence and landscaping to buffer the adjacent residential uses, with no access to Towner (see att.). These elements exist today. The previous owner of the site was a professional photographer who used the building as an office and studio.

In 1993, a request for conditional use of a residential 4-Plex in the strip of O-1 was withdrawn, apparently due to neighborhood opposition (ZA-93-154, 6/15/1993). In 1995, a conditional use for computer repair on another lot in the O-1 zone was approved (ZA-95-30, 2/22/95).

In 2005, a 4-acre site consisting of a strip of land on Menaul across from the subject site, zoned R-1, and adjacent property to the north, zoned C-1 & I-P, were rezoned to O-1 and R-T & C-1 respectively (#1001778, 04EPC-01711, 3/23/2005). The R-T portion has since been developed as single family homes on smaller lots, while the O-1 and C-1 zones remain vacant.

In the block west of Marie Park Drive and south of Menaul, the strip facing Menaul is zoned R-2 and contains what appear to be townhouses, and the land facing Towner Avenue is R-1 and has single family homes. The zoning and land uses in this block appear to have been stable for a considerable period of time.

Context

To the north of the site, at the northwest corner of Menaul and Tramway, is a gas station. To the south are Towner Ave. and a single family home on the south side of the cul-de-sac. To the east is the public ROW for Tramway Blvd., which includes a strip of informal landscaping then a sidewalk ending at the south edge of Tract 1-A. To the west, adjoining Tract 1-A, is a 35 foot cell tower and associated facilities inside a stucco enclosure, and further west an office development. Adjoining most of Tract 2-A is a single-family home fronting Towner Ave. The intersection of Menaul and Tramway is fully signalized.

In summary, the area surrounding the site is predominantly low-density single-family homes, with the exception of offices and some townhouses along Menaul. The neighborhood east of Tramway is virtually all single family homes.

The area is near the foothills of the Sandia Mountains and slopes from east to west. The subject site sits slightly below Tramway Blvd. and Towner Ave. and is separated from them by landscaping and low retaining walls. The front of the site appears to be level with Menaul Blvd.

Long Range Roadway System

The Long Range Roadway System map (LRRS, 2/13/2004), produced by the Mid-Region Council of Governments, identifies the functional classification of roadways.

The Long Range Roadway System designates Tramway Blvd. as a Limited-Access Principal arterial, with a right-of-way of 156'.

The Long Range Roadway System designates Menaul Blvd. between Eubank and Tramway as a Minor Arterial, with a right-of-way of 86'.

Towner Ave. is a local street.

The Long Range Bicycle Plan designates a proposed bike lane on Menaul Blvd. and an existing trail and a proposed bike route on Tramway Blvd. The trail is on the east side of Tramway.

Public Facilities/Community Services

Public facilities within one mile of the site include several parks, Oñate elementary school and Hoover middle school.

ABQ Ride: the #8 Menaul operates seven days a week from early morning into the evening in front of the site; Commuter routes #6 Indian School and #7 Candelaria operate weekdays within approximately half mile of the site.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The site would remain split between O-1 and P-R, but with a slightly larger area of O-1 and a correspondingly smaller area of P-R. The O-1 zone provides suitable sites for office, service, institutional, and dwelling uses (§14-16-2-15). The proposed office-based use is acceptable in this zone, per Code Enforcement.

The P-R Reserve Parking Zone (§14-16-2-27, att.) designates lots reserved for off-street parking required by §14-16-3-1 of the Zoning Code with regard to a use on another lot. Paragraph (A) specifies that all regulations of the P Parking zone apply (§14-16-2-26, att.). Code Enforcement has informed staff that these include (A)(2) of the P zone, which require EPC approval of any solid walls or fences and, at their discretion, also landscaping. Since the existing fence and landscape buffers on the site are not affected by the current request, no EPC review and action in this regard are necessary. Paragraph (B) of the P-R zone requires that the motion adopting or amending the P-R designation specify which lot is being served by the parking zone. Staff is recommending a finding to reiterate the relationship between Tracts 1-A and 1-B.

Compliance with all applicable zoning regulations would occur at building permit, when the applicant submits plans for the building addition.

Paragraph (B) of the P zone indicates that any structure “which is reasonable and necessary for the ...convenience of patrons” is a conditional use. The applicant has in fact applied to the ZHE to obtain approval for a garage on Tract 1-B (#1008024, 09ZHE-80353, scheduled for 11/17/09,

att.). The site plan included in the ZHE application indicates that it would enclose three car parking spaces and include a new bike rack. It is consistent with the conceptual site plan submitted to the EPC.

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; *Staff Analysis is in Bold Italics*

The subject site is located in the area designated Established Urban Area by the *Comprehensive Plan* with a Goal to “create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.” Applicable policies include:

Policy II.B.5.d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The request would allow a small expansion of an existing office use. Although it would result in a commensurate decrease in the area dedicated to parking, landscaping and on-site retention, the change is minor and does not affect the existing buffering for adjacent residential properties, which respects the values of the neighborhood. The request is consistent with the policy.

Policy II.B.5.i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

The request would shift the boundary of the existing employment use 20 ft southward, but the change would not affect the site layout significantly, including the existing landscaping along the west and south boundaries where the site is adjacent to a residential zone and street. The request is consistent with the policy.

Policy II.B.5.k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

The request would not change the existing land uses or their general location on the site, which maintains the livability and safety of the established residential neighborhood to the south. In particular, access to the site is on Menaul Blvd. only, not Towner Ave, which protects the residential neighborhood from commercial traffic. The request is consistent with the policy.

Transportation and Transit

Goal: To develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

The proposed expansion of the employment zone makes efficient use of a site that is well served by all modes of transportation, including walking, cycling and transit. The request furthers the goal.

Policy II.D.4.b: The City will structure capital expenditures and land use regulations in support of creating additional housing and jobs within Major Transit and Enhanced Transit Corridors, and will promote ongoing public/private cooperation necessary to create private market conditions that support intensified development of jobs and housing in these corridors.

By increasing the size of the O-1 zone, the change would support a small increase in the number of jobs within an Enhanced Transit Corridor. It is consistent with the policy.

Economic Development

Goal: to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The request would enable an existing company in the Northeast Heights to stay in the same general area and to grow, without changing the existing proportion of land uses or the site layout significantly. By achieving a balance between economic and other goals, it is consistent with this goal.

Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The request would provide the applicant an opportunity to expand their business and create new jobs, potentially at different skill and salary levels. The location of the site is not in an area of particular need. The request partially furthers the policy.

Policy II.D.6.b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The applicant is a local business enterprise that seeks larger premises in response to growing demand for the products they supply to other companies and institutions. Their request is consistent with the policy.

Resolution 270-1980 (Policies for Zone Map Change Applications)

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more

advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

A summary of the applicant's justification is in standard type; staff's analysis is in ***bold italics***.

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The proposed zone change does not change the uses on the site and the development will continue to be compatible with the surrounding land uses. The southward shift of the lot and zone line to accommodate a building addition will not conflict with the health, safety, morals and general welfare of the city.

Staff agrees that the change is benign. In addition, the change is minor in terms of its effect on public facilities and services.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The request would not change the existing O-1 and P-R designations. It would extend the O-1 zone 20 feet south into the P-R zone. The existing zoning would be maintained, along with the stability of land uses in the area.

Staff agrees that the request would not destabilize land use and zoning in the area. The applicant has also provided a complete justification for the request.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments there, to, including privately developed area plans which have been adopted by the city.

The request does not introduce a new zone to the area and has not caused concern for adjacent property-owners and affected neighborhood associations, which indicates respect for existing neighborhood values (Established Urban Area (EUA) policy II.B.5.d). The request would achieve additional infill development on a site that is within an area of existing urban services and it will ensure the integrity of the existing neighborhood (EUA policy II.B.5.e). The request will result in minimal changes to traffic and parking on a property at the intersection of Menaul and Tramway, and therefore minimizes any harmful effects on the livability and safety of the established residential neighborhoods (EUA policy II.B.5.k). The request will allow an addition that eliminates temporary sheds and blends with the existing building. It incorporates quality and innovation into the redesign of the office (EUA policy II.B.5.l). The rezoning does not affect the existing xeriscaping and retention pond on the site, nor the relationship between the built and natural environments (Community Identity and Urban Design policy II.C.9.b). The request would support a business specializing in products that improve energy efficiency and the use of renewable energy (Energy Management policy II.D.3.a). The request maintains the efficient placement of employment relative to transportation alternatives, including transit, sidewalks and trails, and it will not

significantly impact the circulation system (Transportation and Transit goal). The request would allow a local business to grow and offer new employment opportunities (Economic Development policies II.D.6.a and b.).

Staff agrees that the request is consistent with the applicable goals and policies cited by the applicant. However, staff disagrees that the following are applicable: 1) Policy II.B.5.1 because the zone change does not affect the design of the addition; 2) Policy II.D.3.a because, based on the possible techniques listed under the policy, it appears to apply to the energy efficiency of new development, primarily municipal buildings, not the types of business activities occurring on a site. Staff finds that the request is also consistent with the following policies: 1) EUA policy II.B.5.i, because the 20 foot extension of the O-1 zoned area will not have significant adverse effects on the adjacent residential property to the southwest; 2) Transportation and Transit policy II.D.4.b, because it facilitates the creation of additional jobs on a site adjacent to an Enhanced Transit Corridor.

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
- A. There was an error when the existing zone map pattern was created; or
 - B. Changed neighborhood or community conditions justify the change; or
 - C. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The zone change is more advantageous to the community as articulated through goals and policies of the Comprehensive Plan cited in Section C. It maintains the zoning that is already familiar to the area, but allows a business to expand and add to the diversity of uses in the area. The proposed building addition will create a more visually pleasing environment.

Staff finds that the proposed change is minimal, but will be slightly more advantageous for some of the reasons stated. In addition, the benefits can accrue to the community without adversely affecting the adjacent residential environment. However, staff disagrees that the zone change has a direct effect on the appearance of the site.

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The request would allow an addition to the existing building, originally a single family residence, to make it function more effectively as an office. It will not be harmful to adjacent property, the neighborhood or community.

Staff agrees that O-1 uses will not be harmful. In addition, the request does not change the zoning designations and therefore the permissive uses on the site, which have been in place for over 16 years. The lots adjacent to the site that face Menaul have been zoned O-1 for even longer, and back up to single family homes in an R-1 zone. The Onate Neighborhood Association supports the proposal and other neighbors have raised no objections to it, which suggests that the two zones are compatible in this location.

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- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

- A. Denied due to lack of capital funds; or
B. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The proposed expansion of the O-1 zone will not require capital expenditures by the City, as the site is already served by the City and the need for additional infrastructure is not anticipated.

Staff agrees.

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

The proposed zone change is consistent with Comprehensive Plan policies and is compatible with surrounding land uses, without regard to economic considerations.

Staff agrees that economic considerations are not the determining factor for the change.

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

The site is located on two major streets, but this is not the primary reason for the zoning request, as the proposed use is not dependent on customers accessing the office. The existing O-1 zoning is consistent with the applicant's type of business and the expansion will accommodate their employees.

Staff agrees.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

- A. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
B. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The request is not a spot zone, because it includes expansion of the O-1 zone, which is not different from surrounding zoning along Menaul Blvd.. The P-R zone would decrease but continue to accommodate parking for the O-1 zone. The zones are designed to operate together. Although a "spot zone", the P-R zone was approved with conditions and due to its association with Tract 1-A.

Staff agrees that the change does not constitute a spot zone. It only shifts the boundary between two existing zones, O-1 and P-R. The P-R may be considered a spot zone, but it was approved to support the O-1 zone and protect the adjoining residential environment.

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:
- A. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
 - B. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The 1990 zone map amendment determined that the lots west of the site constitute a strip zone, which made Tract 1-A more suitable for O-1 because it was consistent with the existing zoning along this portion of Menaul Blvd. The site has been used as an office since then. The request continues the function as an office and the transition between adjacent zones.

Staff agrees that the request does not alter the existing zoning in the area. The site already anchors a strip of O-1 along the south side of Menaul Blvd. at the corner of Tramway, and will continue to function as a buffer between the residential zone and the arterial streets.

ANALYSIS OF ILLUSTRATIVE SITE DEVELOPMENT PLAN

The applicant included an illustrative site plan with their original submittal. They revised it at staff's request, to provide more information and demonstrate that the zone change does not conflict with applicable City regulations, including off-street parking, setbacks and landscaped buffers adjacent to a residential zone.

Site Plan Layout / Configuration

The request would extend the O-1 zone 20 feet along the side of the adjacent R-1 property, which is the neighbor's backyard. The site plan indicates that the proposed building addition will extend just south of the current lot line. It will maintain the same side yard setback of 5.95 ft and have a rear setback of approximately 20 ft., which would comply with zoning requirements (14-16-2-15 (E)(2)(b)). The application letter explains that the addition is one-story, and that the existing building envelope will remain the same. Staff considers that the addition itself should not have significant adverse effects on the residential neighbor.

Walls/Fences

No changes are anticipated to the existing 6' high solid fence along the boundary of the adjacent R-1 zone. The neighbor also has a block wall along this boundary.

Vehicular Access, Circulation and Parking

Vehicular access from Menaul Blvd. will remain. The ZHE request is for an enclosed parking structure on Tract 2-A that would replace three of the existing parking spaces and provide new bike and motorcycle parking. The current parking area would be reconfigured, but still meet off-street parking regulations, including for disabled and motorcycle parking.

Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrian access to the site will continue to be from the sidewalk on Menaul.

There are no bikeways contiguous to the site, however there is an existing trail on the east side of Tramway. Bicycle parking is shown in the new covered parking.

A transit shelter is on Menaul opposite the site for the westbound #8 bus. A bus stop for the eastbound service is one block west of the site.

Landscaping and Drainage

The landscaping and retention pond are virtually unaffected by the proposed changes.

In conclusion, staff finds that the illustrative site plan demonstrates that the zone change and the intended development are reasonable and do not alter the basic layout that was previously approved by the city in 1993 (Z-93-30).

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

Comments begin on p. 16. There were no significant comments.

NEIGHBORHOOD/PUBLIC CONCERNS

Property-owners within 100 ft. of the site, the Cibola and Oñate Neighborhood Associations (NA) and the District 8 Coalition of NAs were notified. The NAs declined the offer of a facilitated meeting (see att. "No Meeting" report). The applicant made a presentation to the Oñate NA at their regular meeting. A letter of support from the Oñate NA was subsequently received, and there is no known opposition to the request.

CONCLUSIONS

The proposed 20' shift between the existing O-1 and P-R zones on the site will have minimal effect on adjacent properties and the surrounding neighborhood. The change does not conflict with applicable goals and policies of the Comprehensive Plan and has been adequately justified by the applicant per R-270-1980. There is no known opposition to the request.

Staff recommends approval, subject to a replat of the property to align the lot line with the proposed zone boundary.

FINDINGS – 09EPC-40058, November 19, 2009, Zone Map Amendment

1. The request is to shift the zoning boundary between Tract 1-A, zoned O-1, and Tract 2-A, zoned P-R, in Block 4, Brentwood Hills Subdivision, a site of approximately 0.41 acres, located on the southwest corner of Menaul and Tramway Blvd. NE. The boundary between the two zones would shift 20' south of, and parallel to, its current location.
2. The applicant is relocating from another site in the Northeast Heights, to allow for expansion of their business supplying equipment to companies and institutions for controlling energy use and improving electrical safety. Sales are primarily over the phone and internet, and the orders are drop-shipped by various suppliers to clients' premises.
3. The site is in the Established Urban Area of the Comprehensive Plan and adjacent to Menaul Blvd., an Enhanced Transit Corridor, and to Tramway Blvd., an Express Corridor.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. A request by the same applicant for a conditional use to allow a parking structure on Tract 2-A is scheduled to be heard by the Zoning Hearing Examiner on November 17, 2009 (#1008024, 09ZHE-80353). The parking structure would enclose three existing parking spaces and include bicycle and motorcycle parking.
6. The amended P-R zone on Tract 1-B would continue to provide off-street parking for Tract 1-A zoned O-1, as per the original zone map amendment (Z-93-30, 4/15/1993).
7. The current proposal is accompanied by an illustrative site plan for informational purposes only. When the applicant applies for a building permit for the future building addition, the Planning Department will verify the development's compliance with applicable zoning regulations, including off-street parking and landscaping.
8. The request is consistent with the following goals and policies of the Comprehensive Plan:
 - a. It creates a minor change in the proportion of O-1 and P-R uses on the site and does not affect existing buffers, which respects neighborhood values and will not adversely affect the adjacent residential environment (Established Urban Area Policies II.B.5.d. and.i).

- b. It maintains the livability and safety of the established residential neighborhood to the south and southwest, because it does not change the existing office use on the site and vehicular access from the arterial, Menaul Blvd. (Established Urban Area Policy II.B.5.k).
 - c. It reinforces the efficient placement of employment relative to the circulation system, including the transit and trail network, and supports the creation of additional jobs adjacent to an Enhanced Transit Corridor (Transportation and Transit Goal and Policy II.D.4.b).
 - d. It enables a local business enterprise to grow and create new job opportunities, without significantly changing the existing proportion of land uses or the layout of development on the site (Economic Development Goal and policies II.D.6.a and b).
9. The zone map amendment is justified per R-270-1980:
- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The proposed southward shift of the boundary between the existing O-1 and P-R zones is compatible with surrounding land uses and does not place a burden on public facilities and services.
 - B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The request will maintain the existing zoning designations and only slightly change the proportion of land uses on the site, which will not destabilize land use and zoning in the area. The applicant has adequately justified the change.
 - C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments there, to, including privately developed area plans which have been adopted by the city.

The request does not conflict with applicable goals and policies of the Comprehensive Plan, as cited and discussed by the applicant, including: Established Urban Area goal and policies II.B.5.d and k, the Transportation and Transit goal and Economic Development policies II.D.6.a and b.
 - D. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error when the existing zone map pattern was created; or
 - 2. Changed neighborhood or community conditions justify the change; or

3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The zone change is more advantageous to the community under 3., as articulated in the goals and policies of the Comprehensive Plan cited in Section C. It maintains the zoning that is already familiar to the area, but also allows a business to expand and create new jobs on a site with multi-modal access. The economic benefits can accrue to the community without adversely affecting the adjacent residential environment.

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The request does not change the zoning designations, and therefore the permissive uses on the site, which have been in place since the early 1990s. The site is also on a corner lot and only abuts one R-1 property. The request will extend the O-1 zone along 20 ft of this property, which should not be harmful to it and the wider neighborhood.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The proposed expansion of the O-1 zone will not require capital expenditures by the City, as the site is already adequately served by the existing infrastructure.

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

Economic considerations are not the determining factor for the change.

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

The site is located on two major streets, but this is not the primary reason for the zoning request. The O-1 zone already exists and the proposed use is not dependent on customers accessing the office.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses

nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The change does not constitute a spot zone, as it only shifts the boundary between two existing zones, O-1 and P-R. The P-R zone may be considered a spot zone, but it already exists and was approved to support the O-1 zone and protect the adjoining residential environment.

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:
1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The request does not alter the existing zoning in the area. The site anchors the east end of a strip of O-1 zoning along the south side of Menaul Blvd. It will continue to function as a transition between the residential zone and two major streets, Menaul and Tramway.

10. Property-owners within 100 ft. of the site, the Cibola and Oñate Neighborhood Associations (NAs) and the District 8 Coalition of NAs were notified. A letter of support was received from the Oñate NA. There is no known opposition to the request.

RECOMMENDATION - 09EPC-40058, November 19, 2009

APPROVAL of 09EPC-40058, a Zone Map Amendment, for Lots 1-A and 2-A, Block 4, Brentwood Hills Subdivision, zoned O-1 and P-R respectively, to move the zone boundary between the existing zones 20 feet south, based on the preceding Findings and subject to the following Condition of Approval.

CONDITION OF APPROVAL - 09EPC-40058, November 19, 2009, Zone Map Amendment

1. A replat within 6 months, to align the lot line between Tracts 1-A and 1-B with the new zone boundary.

***Carol Toffaleti
Planner***

cc: Manzano Meadows LLC, 1336 Wyoming NE, Suite B, Albuquerque, NM 87112
Arch & Plan Use Consultants, P.O. Box 25911, Albuquerque, NM 87125
Craig Colter, Cibola N.A., 2523 Callejon NE, Albuquerque, NM 87112
Randy Noah, Cibola N.A., 2808 Palo Alto NE, Albuquerque, NM 87112
David Waymire, Onate N.A., 1901 Shirlane NE, Albuquerque, NM 87112
Joe Capillo, Onate N.A., 1905 Paige Pl. NE, Albuquerque, NM 87112
Don Couchman, District 8 Coalition of N.A.'s, 6441 Concordia NE, Albuquerque, NM 87111
Carole Pigaty, District 8 Coalition of N.A.'s, 7005 Sky Valley Way NE, Albuquerque, NM 87111

Attachments

Z-90-108, 12/20/1990: Notice of Decision

Z-93-30, 4/15/1993: Notice of Decision, Site Plan

O-1 Zone §14-16-2-15

P-R Reserve Parking Zone §14-16-2-27

P Parking Zone §14-16-2-26

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

No comments received.

Office of Neighborhood Coordination

Cibola NA (R)

Ocate NA (R)

District 8 Coalition of NA's

10/5/09 – Recommended for facilitation – siw

10/7/09 – Assigned to Diane Grover - swatson

Long Range Planning

No comments received.

CITY ENGINEER

Transportation Development Services

- Reviewed, no comments.

Hydrology

- The Hydrology Section has no objection to the zone map amendment.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

Traffic Engineering Operations

- No comments received.

Street Maintenance

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT
and NMDOT:**

Conditions of approval for the proposed Zone Map Amendment shall include:

- a. None.

WATER UTILITY AUTHORITY

Utility Services

No comments received.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

No comments received.

Environmental Services Division

No comments received.

PARKS AND RECREATION

Planning and Design

Reviewed, no objection. Request does not affect our facilities.

Open Space Division

Open Space has no adverse comments

City Forester

No comments

POLICE DEPARTMENT/Planning

Jeff Russell Foothills Substation
12800 Lomas NE

No Crime Prevention or CPTED comments concerning the proposed amendment to zone map request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

NO ADVERSE COMMENTS

FIRE DEPARTMENT/Planning

No comments received.

TRANSIT DEPARTMENT

| | |
|----------------------------|--|
| Adjacent and nearby routes | Route #8, Menaul route, passes the site on Menaul. . |
| Adjacent bus stops | Nearest bus stop is across the street, from the property, on Menaul, for the westbound Menaul Route, (#8 Route). |
| Site plan requirements | None. |
| Large site TDM suggestions | N/A |
| Other information | None. |

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

No comments received.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

No comments.